

Juvenile Services **FACT SHEET**

VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES • JUVENILE JUSTICE SERVICES SECTION • 805 EAST BROAD STREET • RICHMOND, VA 23219

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Reducing Minority Overrepresentation in Virginia's Juvenile Justice System

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Minority overrepresentation in the juvenile justice system occurs when arrest, intake and adjudication decisions are based on criteria that are not racially neutral. The result of such decisions is disproportionate minority confinement in juvenile detention and correctional centers. Racial disparity exists at various decision-making points in the juvenile justice system. It often occurs early in the system and it has a cumulative effect. It can be based on unwarranted racial profiling or on decisions biased by a lack of cultural competency. However, it may not be based on racial discrimination exclusively. It can result from zero tolerance policies in schools, from appropriate targeting of crime-ridden neighborhoods, from the inability of the poor to retain paid counsel, and from lack of available alternatives to detention in economically deprived communities.

Minority overrepresentation in the juvenile justice system is a national, state, and local problem. In Virginia and nationally, African American youth have been disproportionately represented at all stages in the juvenile justice system in comparison to their proportions in the juvenile population. At the national level, a recent report¹ compares minority and white youth referred for the same offenses. This type of comparison is useful because it rules out outcome differences that are based on differences in offenses. According to the report, African American youth were more likely than white youth to be formally charged in juvenile court, even when referred for the same offense. Across all offense categories, African American youth were more likely to be placed out-of-home than white youth. In contrast, white youth were more likely than African American to be placed on probation. When white and African American youth were charged, African American youth with no prior admissions were six times more likely than white youth to be detained in public facilities even though they were charged with the same offenses. As an example of the cumulative effects of racial disparity, that African American child who is detained in a secure facility now

has a history of such detention that will influence any future contacts with the juvenile justice system. In Virginia, although the data are not at the offense level, they show a similar pattern². In 2000, African American youth were 23% of the Virginia population aged 0 to 17 but 45% of juvenile delinquent intake cases, 50% of the residents in juvenile secure detention facilities and over 60% of residents in juvenile correctional centers. At the local level in Virginia, the situation varies. Some localities mirror the state picture. Some localities show no disproportionate minority representation. A few localities show that Hispanic rather than African American juveniles are disproportionately represented in the system. Reducing overrepresentation of minority youth in the juvenile justice system in Virginia will have an impact on the lives of individual children, but it can also bring positive change to neighborhoods and communities and engender trust in the juvenile justice system.

ACTION AT THE STATE LEVEL

Over the past several years, Virginia has used a variety of strategies to reduce minority overrepresentation at all stages of the juvenile justice system.

Juvenile Services Section Demographics Web Page

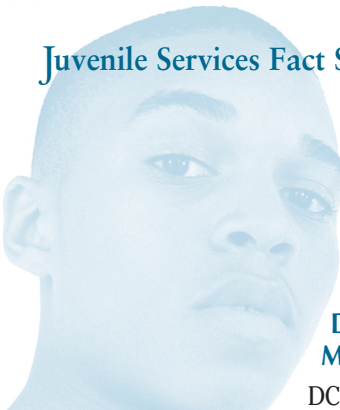
The Juvenile Services Section, DCJS, web page is designed to enable representatives from localities, grantees, and other interested persons to learn about minority representation and overrepresentation in the Virginia juvenile justice system and the national requirements for monitoring disproportionate minority confinement. Ready access to state and local population, intake, and confinement data by race is also provided, along with instructions about how to compute indices comparing juveniles in the justice system³. The web site can be accessed through the Juvenile Services Section page at www.dcjs.state.va.us/juvenile and then clicking on the Juvenile Justice System Demographics

Continued

¹ Poe-Yamagata, E., & Jones, M. (2000) *And Justice for Some: Differential Treatment of Minority Youth in the Justice System. Building Blocks for Youth*, Washington, D.C. Available at www.buildingblocksfor youth.org

² Data are available online through the Juvenile Justice Demographics web page at www.dcjs.state.va.us/juvenile

³ Disproportionate minority representation can be measured at each stage of the juvenile justice system. The measure is usually an index computed by calculating a ratio: the proportion of a racial group at a stage in the system divided by the proportion of that racial group in the population. If the resulting index is above 1.0, the racial group is over-represented at that stage in the system; if the index is less than 1.0, the racial group is under-represented.



menu. Both number and percentage information is provided and the numeric information is depicted visually in graph form automatically.

Grantees to Address Disproportionate Minority Representation

DCJS Title II and Title V grants administered through the Juvenile Services Section now require compliance with the four core requirements of the JJDP Act, including addressing disproportionate minority representation.

Training of Detention Staff

The DCJS Juvenile Services Compliance Monitor provides training and assistance to local officials and detention staff to ensure that they are aware of the four core requirements of the JJDP Act including the necessity of addressing disproportionate minority confinement.

Cultural Awareness Training for Police Officers

The Virginia Community Policing Institute provides cultural awareness training to local police departments throughout the State. The 2002 General Assembly passed legislation amending the Virginia Code⁴ which requires DCJS to publish a policy or guideline to expand the compulsory training standards for police officers to ensure awareness of cultural diversity and the potential for biased policing. It is effective July 1, 2002.

Race-Neutral Risk Assessment Instrument

The Department of Juvenile Justice has developed a race-neutral risk instrument for use at intake, the Detention Assessment Instrument. State-wide use of the instrument is scheduled to begin in October, 2002. It is expected that the use of this instrument will reduce the number of total juvenile detention placements, including minority placements.

Clarification of Criteria for Detention of Probation Violators

The 2002 General Assembly passed legislation amending the Virginia Code⁵ to ensure that a juvenile probation or parole violator may be detained in a secure detention facility for violation of probation/parole only if the offense for which the juvenile was placed on probation or parole would have been a felony or Class 1 misdemeanor if committed by an adult. This precludes confinement of juveniles in secure detention facilities for probation/parole violations when their original offense was a status offense. This legislative change, effective July 1, 2002, is expected to reduce the number of juveniles in secure detention facilities.

ACTION AT THE LOCAL LEVEL

Successful reduction of disproportionate minority confinement depends on a coordinated effort among all stakeholders in the juvenile justice system: police, intake officers, judges, probation/parole officers, detention home superintendents as well as school and community leaders.

Developing a Plan

Steps involved to address disproportionate minority representation include the following.

- Examination of the data to determine if there is overrepresentation of minority youth at each stage in the juvenile justice system.
- Development of a coordinated plan including all stakeholders in the juvenile justice system.
- Implementation of the Plan on a staged or pilot basis.
- Regular evaluation as the Plan is newly implemented.
- Finalization of the details of the Plan.
- Annual evaluation of the Plan and its outcomes.

Resources

For local data, the Juvenile Justice System Demographics page of the Virginia Department of Criminal Justice Services, Juvenile Services Section web site, www.dcjs.state.va.us/juvenile, (click on Juvenile Justice System Demographics) provides information at each stage of the system.

The Virginia Advisory Committee to the U.S. Commission on Civil Rights prepared a report, *Unequal Justice: African Americans in the Virginia Criminal Justice System* (April, 2000). It is available online at the U.S. Commission on Civil Rights web page at www.usccr.gov (go to Publications, State Advisory Committee Reports section).

The Center on Juvenile and Criminal Justice, Justice Policy Institute, has recently released a report on an Oregon county's success in reducing disproportionate minority confinement. The report, *Reducing Disproportionate Minority Confinement: The Multnomah County, Oregon, Success Story and its Implications* (January, 2002), is available on their web site: www.cjcj.org

Building Blocks for Youth has several resources on their web site that address minority overrepresentation www.buildingblocksforyouth.org/issues/dmc

Through a grant from the U.S. Department of Justice, Bureau of Justice Assistance, The Sentencing Project has published a manual, *Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers* (October, 2000). It is available by e-mail at puborder@ncjrs.org or by telephone at 1-800-688-4252 (cite the full title and NCJ #183513).

For additional copies of the fact sheet, contact Aura Hanna, Juvenile Services Section, Department of Criminal Justice Services, by telephone at 804.786.4000, or via email at ahanna@dcjs.state.va.us

This document is also available online at www.dcjs.state.va.us/juvenile/resources

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⁴ Va. Code Ann. §9.1-102(40&41).

⁵ Va. Code Ann. §16.1-248.1(A1).